

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

NOTICE OF PROPOSED REGULATORY ACTION

TITLE 13, CALIFORNIA CODE OF REGULATIONS
DIVISION 2, CHAPTER 6.5, ARTICLES 1, 3, 8, AND NEW ARTICLE 10
AMEND SECTIONS 1201 AND 1218
ADOPT SECTIONS 1256(d), AND 1256.5(b)(8) AND (b)(9) AND
ADOPT ARTICLE 10, SECTIONS 1294 THROUGH 1298

MOTOR CARRIER SAFETY ADDITIONAL EQUIPMENT REQUIREMENTS FOR ELECTRIC AND HYBRID-ELECTRIC BUSES (CHP-R-00-10)

The California Highway Patrol proposes to amend and adopt regulations in Title 13, California Code of Regulations (13 CCR) relating to all electric and hybrid-electric buses including electric and hybrid-electric school buses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Highway Patrol proposes to add Article 10, Sections 1294 through 1298 (Additional Equipment Requirements for Electric and Hybrid-Electric Buses), to 13 CCR, pursuant to Vehicle Code (VC) Sections 34501 and 34508. Article 10 will implement new provisions in Chapter 6.5 (Motor Carrier Safety), to specifically address safety-related issues associated with electric and hybrid-electric buses, including electric and hybrid-electric school buses, and their propulsion systems and power sources.

Title 13, California Code of Regulations, Section 1201 establishes definitions of certain words used in 13 CCR, Chapter 6.5. The California Highway Patrol proposes to add new subsections 1201(b) *Battery Controller/Management System*, 1201(c) *Battery Pack*, 1201(k) *Drive Train*, 1201(m) *Electric Bus*, 1201(n) *Electrical Isolation*, 1201(q) *Hazardous Voltage Interlock Loop (HVIL)*, 1201(r) *Hybrid-Electric Bus*, 1201(y) *Potentially Hazardous Energy*, 1201(z) *Potentially Hazardous Voltage*, 1201(aa) *Power Controller*, 1201(bb) *Power Train*, 1201(cc) *Propulsion System*, and 1201(ee) *Regenerative Braking System*, to increase the clarity of the regulations.

Title 13, California Code of Regulations, Section 1218 addresses fueling restrictions for vehicles. The California Highway Patrol proposes to amend 13 CCR Section 1218 to specifically address propulsion system battery recharging restrictions for electric buses.

Title 13, California Code of Regulations, Section 1256 sets forth marking requirements for vehicles listed in Section 34500 VC, except school buses. Subsection 1256(d) is adopted to establish marking

requirements for electric powered buses other than school buses, to identify these vehicles as electrically-powered.

Title 13, California Code of Regulations, Section 1256.5 sets forth color and marking requirements for school buses. The California Highway Patrol proposes to adopt Section 1256.5(b)(8) to require school buses powered by electric or hybrid-electric propulsion to be marked with a distinctive symbol and the words "ELECTRIC POWERED." Color, sign and marking requirements that apply to school buses are detailed, as the appearance of school buses is regulated to maintain a high degree of recognition by other motorists.

The California Highway Patrol has concluded that to protect against risk of occupant deaths and injuries, additional safety regulations are required because of the unique electric propulsion systems being introduced by the bus and school bus industries. The purpose of this regulatory action is to implement safety regulations to support the safe introduction and operation of electric and hybrid-electric buses, and to minimize the number of buses placed in service without the necessary safety features required on and after the date of adoption of these regulations.

PUBLIC COMMENTS

Any interested person may submit written comments on these proposed actions via facsimile to (916) 446-4579, by email to cvsregs@chp.ca.gov, or by writing to:

California Highway Patrol
Enforcement Services Division
Commercial Vehicle Section
Attn: Mr. Mike Ellis
P.O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until 4:45 p.m., October 15, 2001.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the California Highway Patrol, Enforcement Services Division no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The California Highway Patrol has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the California Highway Patrol at the foregoing address, by facsimile at (916) 446-4579 or by calling the California Highway Patrol, Commercial Vehicle Section, at (916) 445-1865.

All requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number, in case the requester's information is incomplete.

The rulemaking file is available for inspection at the California Highway Patrol, Commercial Vehicle Section, 444 North Third Street, Sacramento. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are also available through our web site at www.chp.ca.gov/regulations.

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on our web site.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations should be directed to Mr. Mike Ellis or Mr. Gary Ritz, California Highway Patrol, Commercial Vehicle Section, at (916) 445-1865. Inquiries regarding the substance of the proposed regulations should be directed to Mr. Mike Ellis.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the California Highway Patrol may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantial in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

FISCAL AND ECONOMIC IMPACT

The California Highway Patrol has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any mandate upon local agencies or school districts; (3) involves no other non-discretionary costs or savings to any local agency or school district; (4) will not impose any costs to any local agency or school district for which Government Code Sections 17500-17630 require reimbursement; (5) will not have any costs or savings to any state agency, or federal funding to the State; (6) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (7) will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The California Highway Patrol is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

The California Highway Patrol has determined that the proposed regulatory action may affect small businesses. However, the California Highway Patrol does not believe that the proposed regulations will have a significant adverse affect on small businesses. The California Highway Patrol has involved several large and small electric and hybrid-electric vehicle manufacturers and many individuals from the electric vehicle safety industry in the development of the proposed regulatory requirements. None of these representatives of the electric vehicle industry has expressed a concern that the regulations would adversely affect any of the known small electric vehicle manufacturers.

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the California Highway Patrol must determine that no reasonable alternative considered by the California Highway Patrol, or that has otherwise been identified and brought to the attention of the California Highway Patrol, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The California Highway Patrol invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY

This regulatory action is being taken pursuant to Vehicle Code Sections 34501, 34501.5, and 34508.

REFERENCE

This action implements, interprets, or makes specific Vehicle Code Sections 31401, 34501, 34501.5, and 34508; and Education Code Section 39831.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

S. H. PEREZ, Chief

Enforcement Services Division